

REMARKS

Applicants respectfully request the Examiner to enter the above amendments, and to reconsider and withdraw the rejection in view of the following remarks.

Status of Claims

Claims 1 to 22 will be pending after entry of the present amendment. Claims 1 to 12 have been withdrawn, and Claims 20 to 22 are being added. Claims 13 to 19 have been rejected under Section 112, second paragraph.

Amendment

Claims 20 to 22 are new and are supported by the specification, for example, at page 11, lines 8 to 11.

No new matter is added by the amendments to the claims.

Response to Rejection Under Section 112, second paragraph

Claims 13 to 19 have been rejected under Section 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The office action has cited the following reasons:

A) With respect to Claims 13 and 16, it is not known what is meant by “ ‘A’ process for the synthesis of diazabenzocd]cyclopenta[a]azulene compounds of which a cyclopenta[b]indole compound is **converted** to a cyclopenta[b]indol-4-ylacetamide compound where it is not known what reactants are present to convert a cyclopenta[b]indole compound.”

B) With respect to Claims 13 and 16, it is not known what is meant by “ ‘A’ process for the synthesis of diazabenzocd]cyclopenta[a]azulene compounds of which a cyclopenta[b]indol-4-ylacetamide is **reduced** to a cyclopenta[b]indol-4-yl-amine compound where it is not known what reactants are present to reduce a cyclopenta[b]indol-4-ylacetamide.”

C) With respect to Claims 13, 16 and 19, it is not known what is meant by “ ‘A’ process for the synthesis of diazabenzocd]cyclopenta[a]azulene compounds of which a cyclopenta[b]indol-4-yl-amine compound is **cyclized** to a

diazabenzocyclopenta[a]azulene compound, where it is not known what reactants are present to cyclize a cyclopenta[b]indol-4-yl-amine compound to a diazabenzocyclopenta[a]azulene compound.

Applicants respectfully submit that Claims 13 to 19 fully comply with the requirements of Section 112, second paragraph as one skilled in the art, especially in light of the specification, would understand the scope of the claims.

With respect to the “converting” of step a), Applicants respectfully submit that one skilled in the art would recognize that Claim 13 includes any method for converting the cyclopenta[b]indole compound to a cyclopenta[b]indol-4-ylacetamide compound, and that Claim 16 includes any method for converting the cyclopenta[b]indole compound to an optionally substituted nitrile compound. For example, with respect to Scheme 1 on page 10 of the specification, Applicants teach that the cyclopenta[b]indole compound may first be reduced to the corresponding indoline compound, and the corresponding indoline may be reacted with an appropriate electrophile to yield either the cyclopenta[b]indol-4-ylacetamide or the optionally substituted nitrile compound (*see e.g.*, page 9, line 10 to page 10, line 13). With respect to Scheme 2 on page 15 of the specification, Applicants teach that the cyclopenta[b]indole compound may also be directly converted to the cyclopenta[b]indol-4-ylacetamide or the optionally substituted nitrile compound without conversion to the indoline compound first (page 14, line 9 to page 15, line 3). Thus, one skilled in the art would recognize that there are a variety of methods, including different reactants, that may be used to carry out the conversion of step a) in Claims 13 and 16. It is respectfully submitted that the claims are not indefinite under Section 112, second paragraph, merely because there is more than one method for carrying out the conversion of step a) in Claims 13 and 16. Rather, Section 112, second paragraph requires only that the claims, when read in light of the specification, reasonably apprise those skilled in the art of the scope of the invention. *Miles Laboratories, Inc.*, 997 F.2d 870, 874-5 (Fed. Cir. 1993). It is respectfully submitted that the conversion of step a) of Claims 13 and 16 fully complies with Section 112, second paragraph.

With respect to the reduction of step b) in Claims 13 and 16, one skilled in the art would readily recognize that Claim 13 includes various methods for reducing the cyclopenta[b]indol-4-ylacetamide compound of Claim 13 to the optionally substituted amine compound, and that Claim 16 includes various methods for reducing the optionally

substituted nitrile compound to the optionally substituted amine compound. For example, Applicants teach that the cyclopenta[b]indol-4-ylacetamide or the optionally substituted nitrile compound may be reduced to the optionally substituted amine compound with a reducing agent such as borane or lithium trihydride (page 10, lines 4 to 6, and page 11, lines 1 to 6). The optionally substituted nitrile compound may also be reduced to the optionally substituted amine compound by hydrogenation in the presence of a catalyst (page 11, lines 1 to 6). Again, one skilled in the art would understand that there are a variety of methods, including different reactants, that may be used to carry out the reduction of step b) in Claims 13 and 16. It is again respectfully submitted that Section 112, second paragraph only requires that the claims, when read in light of the specification, reasonably apprise those skilled in the art of the scope of the invention. It is respectfully submitted that the reduction of step b) of Claims 13 and 16 fully complies with Section 112, second paragraph.

With respect to the cyclizing in Claims 13, 16, and 19, one skilled in the art would readily recognize that Claims 13, 16, and 19, include various methods to cyclize the optionally substituted amine compound of Claims 13, 16, and 19 to the diazabenzocyclopenta[a]azulene compound. For example, Applicants teach that the optionally substituted amine compound can be cyclized to the diazabenzocyclopenta[a]azulene compound, for example, with an aldehyde (such as formaldehyde or acetaldehyde) in the presence of an acid (see e.g., page 11, lines 8 to 12). Thus, one skilled in the art would recognize that there are a variety of methods for carrying out the cyclizing. It is respectfully submitted that the cyclizing step of Claims 13, 16, and 19 fully complies with the requirements of Section 112, second paragraph.

In view of the above remarks, Applicants respectfully request that the rejection under Section 112, second paragraph be withdrawn.

CONCLUSION

Applicants believe that the foregoing constitutes a complete and full response to the Office Action of record and request withdrawal of all outstanding rejections. Early and favorable notification of allowance of all pending claims is earnestly requested.

Respectfully Submitted,

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